

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL NO. 1:05CR212-1**

**UNITED STATES OF AMERICA**

**VS.**

**LISA FAITH DAVIS**  
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**ORDER**

**THIS MATTER** is before the Court on the Defendant's motions for removal of enhancements and sentence reduction and to defer restitution payments. The motions are denied.

Defendant filed a similar motion in November 2006 asking the Court to modify her presentence report by removing the three point enhancement imposed pursuant to U.S.S.G. § 2B3.1(b)(2)(E) for the use of a firearm in furtherance of the bank robbery charged in the indictment. The Defendant seeks the same relief in this motion and it is denied for the same reasons as previously stated by the Court. **See Order, filed November 27, 2006.**

In regard to the Defendant's motion to defer restitution payments, the Bureau of Prisons has the authority to place a defendant in the Inmate

Financial Responsibility Program based on the wording contained in the criminal judgment. ***United States v. Watkins*, 161 F. App'x 337 (4<sup>th</sup> Cir. 2006); *Bramson v. Winn*, 136 F. App'x 380 (1<sup>st</sup> Cir. 2005).** Prior to seeking relief from any court concerning obligations under that program, the defendant is required to exhaust all administrative remedies through the Bureau of Prisons. ***McGhee v. Clark*, 166 F.3d 884, 885-87 (7<sup>th</sup> Cir. 1999).** There is no showing by the Defendant here that such remedies have been exhausted. Thereafter, she may challenge such payments but only by filing the appropriate pleading in the district court of confinement, not with the sentencing court. ***Matheny v. Morrison*, 307 F.3d 709, 712 (8<sup>th</sup> Cir. 2002); *Moore v. Olson*, 368 F.3d 757, 759 (7<sup>th</sup> Cir. 2004).**

**IT IS, THEREFORE, ORDERED** that the Defendant's motion for removal of enhancements and sentence reduction is **DENIED**.

**IT IS FURTHER ORDERED** that the Defendant's motion to defer restitution payments is **DENIED**.

Signed: April 9, 2007

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

